

Speaker Profiles

Panel 1: Government and Law Enforcement

Dana Hlavac is the court administrator for the Las Vegas Municipal Court. He served as a Captain in the United States Army before operating a small business that introduced the concept of accepting credit cards to the fast food, grocery and movie theater industries. He subsequently operated his own two state law practice, served as a deputy and assistant district attorney as well as a chief public defender before transitioning into government management. As a government manager, he has served as a deputy county manager, city manager, interim finance director and an interim budget manager before becoming the court administrator for the Las Vegas Municipal Court.

Mr. Hlavac will be discussing the following:

- Structure of fees and assessments within Nevada and more specifically within Las Vegas Municipal Court;
- Discussion of distinction between assessments, user fees and cost recovery;
- Discussion of criminal versus civil infractions and their respective impacts;
- Las Vegas Municipal Court specific challenges and supporting data;
- Las Vegas Municipal Court strategies to address underlying inequities and challenges;
- The future of fines fees and assessments in general and within Las Vegas Municipal Court specifically;

Bill Zihlmann is the court administrator for the Henderson Municipal Court. He has over 25 years of experience in the court system. His responsibilities include overseeing the daily operations of the Municipal Court and planning, organizing and directing all non-judicial Municipal Court functions. He is currently a member of the Nevada Association of Court Executives (NACE) and the National Association of Court Managers (NACM). He served as the chairman of the Nevada Criminal Justice Information System (NCJIS) Steering Committee from 2009 to 2013. In the past, Mr. Zihlmann served on the Nevada Supreme Court's Regional Court Staff Training Project and the Records Commission for the Preservation, Access and Sealing of Court Records. He was also on the Administrative Office of the Courts Committee to re-write the Nevada Offense Codes from 2004-2007; the 2010-2011 SCOPE II Redesign Functional Team; and most recently the Uniform System for Judicial Records, Phase III Subcommittee since 2015.

Earl Mitchell is the constable for the City of Henderson Township. He serves a vital role in the legal process by executing the orders of the Court in civil and criminal matters, small claims, evictions, as well as providing a variety of legal functions. His

background as a 20-year US Navy/Naval Reserve veteran and a 22-year veteran of the Henderson Police Department offers insight to how municipal fines and fees are issued in Henderson.

Sam Diaz is a police officer and government liaison to the Las Vegas Metropolitan Police Department.

Kelly McMahon is a lieutenant and member of the Critical Incident Review Team at Las Vegas Metropolitan Police Department.

Officer Diaz and Lieutenant McMahon will make statements and provide additional information on the following discussion points:

- Las Vegas Metropolitan Police Department does not set municipal fines or fees
- Discussion on budget and funding
- Discussion on fees such as carrying concealed weapon permit fees and report fees are to recoup cost

***Dexter Thomas** is the court administrator for the Reno Justice Court in Washoe County. Mr. Thomas has worked in County government for over fifteen years, with the last several years focused on court administration. His extensive public sector, court management and budget experience, as well as his knowledge, training and experience in program and organization development position him to discuss the positive steps Reno Justice Court has taken to address the issue of court fines and fees in Washoe County. In addition, he holds a BA in Political Science from Syracuse University, Master's Degree in Public Administration from Western International University, Executive Leadership certificate for Arizona State University and is a Fellow from the Institute for Court Management (ICM) at the National Center for State Courts (NCSC).

Written Testimony

Keith Logan is the sheriff for Eureka County and a member of the Nevada Sheriffs and Chiefs Association, a professional association dedicated to promoting charitable and educational interests. He has been in law enforcement for 27 years and previously served in the Eureka Sheriff's Department for nearly five years, most recently as undersheriff. Keith offers the rural Nevada policing perspective.

Al McNeil is the sheriff for Lyon County and a member of the Nevada Sheriffs and Chiefs Association, a professional association dedicated to promoting charitable and educational interests. He oversees the fourth most populated county in Nevada that once had a 20 percent unemployment rate during the Great Recession. He worked as the deputy sheriff for 12 years and previously served in the US Marine Corps for 21 years.

Panel 2: Elected Officials

***Dina Neal** (D) is an assemblywoman for District 7. She serves as the vice-chair for the Assembly Government Affairs Committee and chair of the Taxation Committee. She was first elected in 2010 and served two regular and one special session. Assemblywoman Neal is affiliated with the following organizations: the National Bar Association, National Black Caucus of State Legislators, Southern Nevada Enterprise Community Board, Finance and Economic Development Committee, Presidential Caucus, Clark County, Urban Chamber of Commerce and the National Association for the Advancement of Colored People. The topic of municipal fines and fees is of concern to her constituents. In the last Legislative session, Assemblywoman Neal brought forth efforts in the Legislature to reform traffic violations from criminal to civil penalties.

Michele Fiore (R) is a former Nevada Assemblywoman representing Northwest Las Vegas. While in the Nevada Legislature, Fiore introduced a bipartisan measure that would tamp down the use of imprisonment as a means to collect on fees associated with low level transgressions and empower judges in sentencing in an attempt to reduce prison sentences for some nonviolent crimes. She is currently seeking to represent her neighborhood on the Las Vegas City Council.

Ms. Fiore will focus of her testimony on two pieces of legislation, AB 208 which revises provisions related to certain criminal penalties and AB 397 that addresses provisions related to criminal procedure. She will also share her views about militarized police and over sentencing.

***Leisa Moseley** is the founder of The Action Company, a political and business development firm that specializes in supporting female candidates and entrepreneurs. Leisa serves on the Nevada Council for the Prevention of Domestic Violence, the Citizens Advisory Council on Juvenile Justice, the executive board of the Clark County Black Caucus and chairs the Judicial/ Law Enforcement Committee for the Clark County Black Caucus. She has worked closely with Nevada legislators, stakeholders, judges, and municipalities to address municipal fines and fees schedules by advocating to include a grace period before individuals return to warrant status after a delinquent payment is made.

Panel 3: Policy Experts

***Egan Walker** is a judge for the Second Judicial District Court of Nevada at Washoe County and a on the board of the National Council of Juvenile and Family Court Judges.

Nearly 1 million juvenile delinquency cases were disposed in juvenile courts in the U.S. in 2014. In every state youth and their families can be required to pay court costs, fines, fees, or restitution. Several states, like Nevada have as many as six or seven different types of fees. Fees established by state laws include: court costs (court and prosecution expenses), fines (monetary sanctions including those as alternative to incarceration), care and supervision (detention, electronic home monitoring, treatment, supervision, residential placement, food, and clothing), diversion (programming and activities), evaluation (mental health, substance abuse, and medical tests), restitution (payments to reimburse victims or compensate for loss, damage, or injury) and fees to seal or expunge juvenile records. Failure to pay can further the youth's involvement in the juvenile justice system. Research has found that in some jurisdictions, as much or more money is spent trying to collect the fees than the revenue collected. Research also shows that costs and fees may increase recidivism and can exacerbate economic and racial disparities in the juvenile justice system. Advocates argue that state and local policymakers should establish more sustainable and effective models for funding court systems rather than imposing costs on youth and families who simply can't afford to pay.

Jessica Feierman is the associate director for the Juvenile Law Center, a Philadelphia-based non-profit public interest law firm for children. Jessica engages in litigation and amicus efforts on a wide variety of subjects, including juvenile life without parole, institutional conditions, and adult sentencing. She is a co-author of the 2016 study, ["Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System"](#) that examines state statutes in the juvenile justice system and their impact on individuals and their families.

Dr. Nancy E. Brune is the executive director of the Kenny Guinn Center for Policy Priorities, a statewide policy research center providing independent, data-driven analysis on issues of tax and fiscal policy, education, economic development, and natural resource security. She also serves as a senior fellow at the University of Nevada, Las Vegas William S. Boyd School of Law. She is the author of over 70 peer-reviewed journal articles, reports, essays, blogs, and op-ed pieces on topics ranging from economic security, health outcomes, public sector reforms, education, energy security, public security, and natural resource security.

Megan Rauch is the director of education policy at the Kenny Guinn Center for Policy Priorities and will be co-presenting with Dr. Brune.

The Guinn Center will present on the use of municipal fines in Nevada and provide a comparative perspective. The Guinn Center will also focus on municipal fines as they impact youth in Nevada.

Nicole Austin-Hillery is the first Director and Counsel of The Brennan Center's Washington, D.C. office. In her role, Ms. Austin-Hillery has overseen the growth and development of the Brennan Center's advocacy and policy development work and is the organization's chief liaison to Congress and the Administration. Her day to day work includes oversight of the Washington office operations and staff, serving as the chief advocate for the Brennan Center on a host of justice and democracy issues and coordinating coalition work with other civil rights, social justice and democracy organizations in Washington. Topics in her portfolio include voting rights, racial and criminal justice advocacy and reform, indigent defense and vote restoration for those who have lost the right to vote. She provides both strategic and advocacy counsel ranging from legislative analysis to policy development.

The United States is a nation that purports to believe in redemption. Our criminal justice system, at some point, was meant to not simply punish offenders but also to reform them. Yet, our criminal justice system offers little in the way of mechanisms that prepare individuals, once released, to truly re-engage with the community as fully, functioning citizens. There are numerous state laws that prevent the formerly incarcerated from taking part in our democracy by continuing to burden them with excessive fees and fines related to their criminal past. This system makes it extremely difficult for many to free themselves from their criminal histories and to become economically stable. These policies are in direct contradiction to the rhetoric that our nation is one that believes in second chances. Given my role as a policy advocate, and the role of the Brennan Center as a research institution, I will explore what policies exist and the reform efforts that are underway to address these issues. This will include not only examining policies that exist on the state and federal level but she will also examine what federal reform, at the start of the 115th Congress, may be possible. I will also address the efforts that are underway through the research arm of the Brennan Center's Justice Program to identify and implement changes to the fee systems that exist in many jurisdictions.

Resources of Interest:

[Pay Up or Go to Jail – New York Times Opinion](#)

[Criminal Justice Debt](#)

[Special Series: Guilty and Charged - National Public Radio](#)

[State-By-State Court Fees - National Public Radio](#)

[Local courts reviving 'debtors' prison' for overdue fines, fees - Fox News](#)

[Profiles of Those Forced To 'Pay or Stay' – National Public Radio](#)

[As Court Fees Rise, The Poor Are Paying the Price - National Public Radio](#)

Nevada Advisory Committee Hearing
Municipal Fines and Fees
March 15, 2017

Thomas Harvey is the executive director for ArchCity Defenders, a St. Louis-area public defender group. Mr. Harvey provides legal services to individuals to remove barriers to social services and advocates in state and federal court through impact litigation to bring about systemic criminal justice reform. Mr. Harvey co-authored a report that profiles six other municipalities in the St. Louis County that are either the same or demonstrably worse than the policing practices and the use of municipal fines and fees uncovered in Ferguson.

Resources of Interest:

[It's Not Just Ferguson: Missouri Supreme Court Should Consolidate the Municipal Court System](#)

Panel 4: Advocates and Community Members

Amy Rose is the legal director for the Nevada Chapter of the American Civil Liberties Union. She is a five-year resident of southern Nevada and previously served as associate attorney at the firm of Kravitz, Schnitzer & Johnson. Amy brings with her a strong commitment to the Nevada community. She spent several years practicing plaintiff's employment law in Las Vegas where she advocated on behalf of Nevada workers facing discrimination or harassment in violation of Title VII of the Civil Rights Act and other federal and state employment laws. She has also given presentations to Las Vegas Rape Crisis Center volunteers on sexual harassment in the workplace, helping to educate the community about how to confront and respond to these issues.

Ms. Rose will discuss the following:

- Legal framework and protections available to Nevadans against imposition of unconstitutional fines and fees;
- Observations and analysis from court watching; and
- Policy recommendations.

Alex Cherup is the vice president for the Las Vegas Chapter of the National Association for the Advancement of Color People (NAACP).

Potential testimony highlights: Cherup may share information on recent civil rights complaints made with the NAACP in Clark County related to traffic violations, arrests, etc. and will also review cases dating back to a decade

Dustin Marcello is a defense attorney with Pitaro & Fumo, Chtd., and is licensed to practice in all State and Federal Courts, including the 9th Circuit Court of Appeals. Dustin is a member of the indigent defense panel at both the State and Federal levels and is recognized by the Association of Trial Lawyers, the Super Lawyers top 40 under 40, and American Premier DUI attorneys.

Mr. Marcello argues that due process and fundamental fairness have given way to the need to fund local government through traffic fines and fees imposed largely on those least able to shoulder the burden. Selective citation practices and enforcement of the hundreds, if not thousands, of possible traffic infractions is done arbitrarily and disparately affect minority and ethnic classes. The Municipal Courts impose substantial and unnecessary burdens on the challenge or resolution of municipal traffic violations. Fines and fee schedules are utilized that are excessive and do not take into account the median income of the community or the individual financial conditions of a particular defendant. Trials are heard by un-elected hearing masters providing no recourse for citizens. Court fees, as well as traffic fines, make up the bulk of operating revenue for the Nevada Supreme Court creating real, or at

the very least, perceived conflicts of interest. Ability to pay hearings for fines are a despised formality largely determined by the type of shoes, watch, or cell phone possessed by the defendant in Court. The bail bond system diverts money that could reduce the fines simply so Defendants can get out of jail and resume a payment plan and still owe a bail bonding company. Municipal Courts assign multiple case numbers to citations to appear busier and maximize collection of warrant fees for missed payments. Holds and restrictions on driving privileges for nonpayment of fees and fines resulting in substantial hardship. The warrant and collection fees are often substantially more than the original infraction fines, amounting to thousands of dollars in many cases, and nonpayment of those fees carries the threat of significant jail time. Jail time is often imposed in very short increments to force payment or to finally close out a case when a person is simply too poor to pay the fines. Finally, the collection methods utilized by the Municipal Courts are offensive to any reasonable notions of justice. These issues are substantially more likely to disparately impact the poor, the ethnic and the minority communities of Las Vegas and do nothing to promote or encourage public safety. Justice demands more.

Hannah Brown is the president emeritus at the Urban Chamber of Commerce and longtime resident of Las Vegas.

Potential testimony highlight: Brown may share her experience with being pulled over by an aggressive police officer

Written Testimony

Jeffrey Barr is a partner at the law firm of Ashcraft & Barr, LLP, concentrating his practice on crisis management, government affairs, and business dispute resolution, with an emphasis on contract litigation and real estate disputes. On a day-to-day basis, Mr. Barr offers a legal perspective to manage clients' crises, and he consults with clients to help them develop legal, media, and regulatory/governmental strategies. Prior to Ashcraft & Barr, LLP, in 2013, Mr. Barr served as the city attorney for the City of North Las Vegas from 2006-11, offering innovative legal strategies to assist Nevada's third largest municipality in staving off imminent insolvency. He was responsible for advising and consulting with City officials on all legal matters, preparing all legal documents, representing the City in all litigation, prosecuting all misdemeanors committed within the City's jurisdiction, and interacting extensively with media, other governmental representatives, members of public, and other stakeholders.

Potential testimony highlights: Barr may share his success in a recent civil rights lawsuit involving licensing fees with the Las Vegas Constable's office.